

1 ERSKINE & TULLEY  
A PROFESSIONAL CORPORATION  
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4 Attorneys for Plaintiffs  
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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9

10 BOARD OF TRUSTEES OF THE AUTOMOTIVE) NO. C 08 2618 JL  
11 INDUSTRIES WELFARE FUND, AUTOMOTIVE)  
12 INDUSTRIES PENSION FUND; JIM BENO, )  
TRUSTEE, )  
13 )  
Plaintiffs, )  
14 )  
vs. ) NOTICE OF  
15 ) VOLUNTARY DISMISSAL  
STEPHEN SHAW individually and doing)  
16 business as HAYWARD TIRE and BRAKE,) )  
17 Defendant. )  
18 \_\_\_\_\_)

19 Notice is hereby given that plaintiff dismisses the above  
20 entitled action without prejudice pursuant to Federal Rule of Civil  
21 Procedure 41, and all dates relating to this case should be taken  
22 off the Court's calendar including the hearing on a Case Management  
23 Conference set for August 27, 2008 at 10:30 a.m. in Courtroom No.  
24 F, 15<sup>th</sup> Floor, 450 Golden Gate Avenue, San Francisco, CA.

25 Dated: August 21, 2008

ERSKINE & TULLEY

26 By: /s/Michael J. Carroll  
Michael J. Carroll  
27 Attorneys for Plaintiff  
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NOTICE OF VOLUNTARY DISMISSAL

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, California 94104. On August 21, 2008 I served the within NOTICE OF VOLUNTARY DISMISSAL on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

Stephen Shaw  
Hayward Tire & Brake  
22328 Mission Blvd.  
Hayward, CA 94541

Stephen Shaw  
Hayward Tire & Brake  
1290 B Street, Suite 218  
Hayward, CA 94541

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on August 21, 2008 at San Francisco, California.

/s/Sharon Eastman  
Sharon Eastman

NOTICE OF VOLUNTARY DISMISSAL